



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,848	02/15/2006	Peter Johannes Jongsma	207453	4956

7590 05/25/2010  
Abelman Frayne & Schwab  
666 Third Avenue  
New York, NY 10017-5621

EXAMINER
----------

COWAN, EUEL K

ART UNIT	PAPER NUMBER
----------	--------------

2622

MAIL DATE	DELIVERY MODE
-----------	---------------

05/25/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/568,848	<b>Applicant(s)</b> JONGSMA ET AL.	
	<b>Examiner</b> EUEL K. COWAN	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 2/15/2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-12 & 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuyuki, US Pat. No. 6069651 in view of Viinikanoja, US Pub. No. 2003/0164895.

Regarding claim 1, Tsuyuki discloses a system comprising an optical system (fig. 7 part 74). Tsuyuki discloses an imaging section (fig. 7 part 70, col. 10 lines 22-24) and an adapter (fig. 7 part 75 or 73) arranged to couple (by screwing together the two parts) said optical system to said imaging section in such a way that an image to be generated by the optical system can be observed and recorded (col. 17 lines 29-31) by a camera of said imaging system (col. 9 lines 18-24), said camera (fig. 7 part 16) being integrated in a housing of said camera head as shown in fig. 7, wherein the adapter comprises a receptacle for positioning and clamping the imaging section (fig. 7 shows the sections are "clamped" together via a screwing motion).

Tsuyuki does not explicitly disclose a videophone nor the camera being enclosed in a videophone. Viinikanoja however in the same art of imaging, teaches a videophone

Art Unit: 2622

(fig. 7 part 2) incorporating a camera (fig. 7 part 22) that allows the user to interchange various lens modules depending of the need or demand of the user (paragraph 156).

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the optical system of Tsuyuki with the video phone of Viinikanoja so that different optical systems may be used to meet those various demands.

Regarding claim 2, Viinikanoja teaches that the videophone is a mobile telephone (fig. 7).

Regarding claim 3, Tsuyuki in view of Viinikanoja teaches that the adapter comprises attachment means for attaching the image end of the optical system to the device (Tsuyuki shows threading in the adapter section in fig. 7 parts 75 and 76 for attaching the two parts).

Regarding claim 4, Tsuyuki discloses that the attachment means (protruding ends of part 73) are equipped such that the optical system can be attached such that it can be turned (the threading in parts 75 and 76 facilitate turning for attaching the two parts) relative to the videophone (videophone as taught by Viinikanoja).

Regarding claim 5, Tsuyuki discloses that the adapter comprises at least one focusing device for optically matching the optical system image to the camera of the videophone (Tsuyuki, part 74 focusing lens, col. 9 lines 20-21).

Regarding claim 7, Tsuyuki discloses that the optical system is an endoscope (fig. 7, col. 9 lines 13-15).

Regarding claim 8, Tsuyuki-Viinikanoja teaches the system comprising a zoom adapter that changes image size for enlarging/reducing the image (Tsuyuki, col. 14 lines 44-45).

Regarding claim 9, Tsuyuki discloses a filter arranged to shift the wavelength of radiation forming the image (fig. 12 parts 59 or 61, col. 12 lines 6-7).

Regarding claim 10, examiner asserts that the Tsuyuki-Viinikanoja reference teaches the system according to claim 1 is arranged such that it can be safely used in potentially explosive atmospheres (Tsuyuki, fig. 7, Viinikanoja, fig. 2a-b).

The Examiner notes that the apparatus claim 10 uses the term "arranged to" throughout when describing the function of portions of the apparatus. Use of such language (i.e. "arranged to ") is not a positive recitation that such a limitation must occur, but merely that the apparatus must be configured in such a way that the possibility of the limitation occurring is presented. Thus, while the Examiner has specifically addressed the

Art Unit: 2622

limitations as being obvious/anticipated, should the claims become patentable over the cited art, such a limitation could be viewed as non-limiting as it "suggests or makes optional" the claimed limitations. See MPEP 2106 – C. Therefore, the Examiner suggests amending such limitations to give a positive recitation of their occurrence, such as replacing "arranged to" with "which when operable", "operable to" or any other recitation that positively claim the subject matter.

Also the claim does not describe what makes the invention able to withstand an explosion.

Regarding claim 11, Tsuyuki-Viinikanoja teaches that said adapter (taught by Tsuyuki) is arranged to removably couple said optical system (as taught by Tsuyuki in claim 4, the two parts can also be unscrewed) to said videophone (videophone as taught by Viinikanoja).

Regarding claim 12, Tsuyuki discloses an illumination system arranged to illuminate a range of said objective (col. 5 lines 13-15 suggests light being generated from the endoscope to illuminate an objective lens).

Tsuyuki does not explicitly teach an interchangeable objective. Viinikanoja however in the same art of imaging teaches a camera phone that allows the user to interchange various lens modules (paragraph 55) depending on the need or demand of the user (paragraph 156). It would have been obvious to one of ordinary skill in the art

Art Unit: 2622

at the time the invention was made to have modified the system of Tsuyuki with the interchangeable objective of Viinikanoja so as to meet those various needs.

Claim 14 is a method claim corresponding to the system of claim 1 and rejected for the same rationale.

Claim 15 is a method claim corresponding to the system of claim 7 and is rejected for the same rationale. Tsuyuki discloses that the endoscope is inserted into an object, namely a human body (col. 1, lines 9-11).

3. Claims 6 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuyuki, US Pat. No. 6069651 in view of Viinikanoja, US Pub. No. 2003/0164895 in further view of Edwards, US Pat. No. 6893170.

Regarding claim 6, the Tsuyuki-Viinikanoja reference teaches the invention as per claim 1. It does not explicitly teach that the adapter comprises at least one first spacer ring for determining the distance between the optical system and the camera of the videophone such that the image to be generated by the optical system is displayed sharply on the camera.

Edwards however in the same art of electrical component design teaches at least one spacer (the figure, part 43, col. 3 line 6) for providing sufficient space between components (col. 3 lines 7-8). Hence the prior art includes each element claimed,

Art Unit: 2622

although not necessarily in a single reference, with the only difference between the claimed invention and the prior art being the lack of combination of the elements in a single prior art reference. In combination Tsuyuki performs the same function of imaging through an endoscope, Viinikanoja performs interchanging of lens modules and Edwards allows for spacing using a spacer.

Therefore one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately.

The results of the combination would have been predictable and resulted in modifying the invention of Tsuyuki-Viinikanoja to include allowing the use of a spacer to fix the distance of the camera phone to the optical system so that the images picked up by the camera phone would be sharp or in focus. Therefore, the claimed subject matter would have obvious to a person of ordinary skill in the art at the time the invention was made.

Regarding claim 13, the Tsuyuki-Viinikanoja reference teaches the invention as per claim 12. It does not explicitly teach that the system comprises a second spacer ring arranged onto said objective so that the objective can be directly placed onto an object to be imaged.

Edwards however in the same art of electrical component design teaches a second spacer (the figure, part 43, col. 3 line 6) for providing sufficient space between



Art Unit: 2622

components (col. 3 lines 7-8). Hence the prior art includes each element claimed, although not necessarily in a single reference, with the only difference between the claimed invention and the prior art being the lack of combination of the elements in a single prior art reference. In combination Tsuyuki performs the same function of imaging through an endoscope, Viinikanoja performs interchanging of lens modules and Edwards allows for spacing using a spacer.

Therefore one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately.

The results of the combination would have been predictable and resulted in modifying the invention of Tsuyuki-Viinikanoja to include allowing the use of a spacer on the objective side of the optical system. Therefore, the claimed subject matter would have obvious to a person of ordinary skill in the art at the time the invention was made.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kawai, US Pat. No. 7414660 teaches an interchangeable lens barrel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUEL K. COWAN whose telephone number is (571)270-5093. The examiner can normally be reached on Mon. - Thur: 8am - 5pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571 272 7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Ye/  
Supervisory Patent Examiner, Art Unit 2622

/Euel K Cowan/  
Examiner, Art Unit 2622